

AMENDED IN SENATE MAY 8, 2007
AMENDED IN SENATE MAY 1, 2007
AMENDED IN SENATE APRIL 17, 2007

SENATE BILL

No. 578

Introduced by Senator Simitian

February 22, 2007

An act to add Chapter 6.93 (commencing with Section 25430) to Division 20 of the Health and Safety Code, relating to the environment.

LEGISLATIVE COUNSEL'S DIGEST

SB 578, as amended, Simitian. Environment: high production volume chemical.

Existing law authorizes the California Environmental Protection Agency (Cal-EPA) to request a business to submit the information required to be submitted in the toxic chemical release form pursuant to the federal Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA).

This bill would require a manufacturer, ~~as defined,~~ of a high production volume chemical, by October 1, 2008, to submit to the Department of Toxic Substances Control, in an electronic format specified by the department, any environmental health information that the manufacturer previously submitted, on or after January 1, 2000, to the ~~Very~~ High Production Volume Challenge Program conducted by the Environmental Protection Agency or to any foreign government. A manufacturer would be required to submit to the department, by October 1, 2009, and on or before October 1 annually thereafter, the information the manufacturer submitted to those entities the previous calendar year.

The bill would require the department, by January 1, 2009, to adopt regulations that establish requirements for the environmental health information, ~~with regard to whether a high volume chemical contributes to, or could contribute to, cancer or reproductive toxicity,~~ that a manufacturer is required to provide to the department. The department would be required, by October 1, 2009, to determine the technical feasibility of adopting regulations to require a manufacturer of a high volume production chemical to provide additional information relating to that high volume production chemical's ability to contribute to certain health effects and a manufacturer would be required to submit to the department, in an electronic format specified by the department, this environmental health information.

The department would also be required, by October 1, 2009, to establish a system for tracking the manufacture and use of high production volume chemicals in the state and would be authorized to require a manufacturer to supply this information.

The department would be required to establish a fee schedule specifying the amount of the fees that a manufacturer would be required to pay when submitting information to the department. The department would be required to deposit all fees collected in an appropriate subaccount in the High Production Volume Chemical Account, which the bill would create in the State Treasury. The department would be authorized to expend the fee revenues, upon appropriation by the Legislature, to implement the bill's requirements. The department and the office would be authorized to borrow funds from the ~~Treasurer~~ *Pooled Money Investment Account* for the purposes of initiating the administrative and regulatory requirements of the bill to cover those costs until fee revenues are collected.

The bill would authorize the Director of Toxic Substances Control to exempt, from requirements of the bill, a high volume production chemical for which the manufacturer can make a specified demonstration.

The bill would prohibit a manufacturer of a high production volume chemical who does not comply with the bill's requirements, as determined by the department, from manufacturing that high production volume chemical within the state, importing that high production volume into the state, incorporating that high production volume chemical into an article within the state, or using that high production volume in a commercial process or application in the state.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 6.93 (commencing with Section 25430)
2 is added to Division 20 of the Health and Safety Code, to read:

3
4 CHAPTER 6.93. HIGH PRODUCTION VOLUME CHEMICALS

5
6 25430. For the purposes of this chapter, the following
7 definitions apply:

8 (a) "Chemical" means a chemical substance as defined in
9 Section 3 of the Toxic Substances Control Act (13 U.S.C. Sec.
10 2602).

11 (b) "Department" means the Department of Toxic Substances
12 Control.

13 (c) "Environmental health information" means information on
14 the environmental and human health effects of chemicals,
15 including, but not limited to, information derived from animal
16 studies and epidemiological studies, structural analysis, and a
17 chemical's physical properties, as well as information relating to
18 a chemical's uses, production volumes, and exposure pathways.

19 (d) "High production volume chemical" means a chemical that
20 is manufactured in, or imported into, the United States in an amount
21 equal to, or greater than, 1,000,000 pounds per year.

22 (e) "Manufacturer" means a person that manufactured, sold,
23 used, released, supplied, or distributed in the United States more
24 than 1,000,000 million pounds of a chemical for any calendar year
25 between January 1, 2000, to December 31, 2006, and who
26 manufactures, sells, uses, releases, supplies, distributes, in, or who
27 imports that chemical for sale or distribution in, the state.

28 (f) "Office" means the Office of Environmental Health Hazard
29 Assessment.

30 25431. (a) On or before October 1, 2008, a manufacturer shall
31 submit to the department, in an electronic format specified by the
32 department, all environmental health information that the
33 manufacturer submitted on or after January 1, 2000, to December
34 31, 2007, inclusive, to either of the following:

1 (1) The High Production Volume Challenge Program conducted
2 by the Environmental Protection Agency.

3 (2) A foreign government, including, but not limited to, the
4 information required by the European Commission under EC
5 1907/2006, and the information submitted to the Ministry of the
6 Environment pursuant to the Canadian Environmental Protection
7 Act of 1999.

8 (b) On or before October 1, 2009, and on or before October 1
9 annually thereafter, a manufacturer shall submit to the department
10 all environmental health information the manufacturer submitted
11 the previous calendar year to the programs or entities specified in
12 paragraphs (1) and (2) of subdivision (a).

13 (c) The department may establish a process to allow joint
14 submissions from different manufacturers of the same chemical,
15 and other processes that reduce redundancy and duplication of the
16 information.

17 (d) On and after the effective date of the regulations adopted
18 pursuant to Sections 25432 and 25433, a manufacturer shall submit
19 to the department, in an electronic format specified by the
20 department, any environmental health information that the
21 manufacturer is required to submit pursuant to those regulations.

22 (e) The department may specify formats, protocols, and
23 schedules for use by a manufacturer to submit information to
24 comply with this section and Sections 25432 and 25433.

25 25432. (a) On or before January 1, 2009, the department shall
26 adopt regulations that establish requirements for the environmental
27 health information with regard to whether a high volume chemical
28 ~~contributes to, or could contribute to, cancer or reproductive~~
29 ~~toxicity~~, that shall be provided to the department by a manufacturer
30 of a high production volume chemical.

31 (b) In adopting regulations pursuant to this section, the
32 department shall consider international models in developing these
33 regulations, including European Commission regulation 1907/2006,
34 known as Registration, Evaluation, and Authorization of Chemicals
35 or “REACH.”

36 (c) The regulations shall contain requirements that the
37 department finds are adequate to determine, at a minimum, whether
38 a high production volume chemical contributes, or could contribute
39 to, cancer or reproductive toxicity.

1 25433. (a) On or before October 1, 2009, the department shall
2 determine the technical feasibility of adopting regulations to require
3 a manufacturer of a high volume production chemical to provide
4 additional information relating to that high volume production
5 chemical's ability to contribute to the following health effects:

6 (1) Developmental toxicity.

7 (2) Genetic toxicity.

8 (3) Neurotoxicity.

9 (4) Immunotoxicity.

10 (5) Endocrine disruption.

11 (6) Respiratory toxicity.

12 (b) (1) In determining whether it is feasible to adopt regulations
13 pursuant to this section, the department shall determine if there is
14 an existing relevant testing protocol for evaluating those health
15 effects that has been recognized as an authoritative body pursuant
16 to subdivision (b) of Section 25249.8.

17 (2) If the department determines that requiring the information
18 in subdivision (a) is technically feasible, the department shall
19 require each manufacturer of that high volume production chemical
20 to submit this additional information on an appropriate schedule.

21 (3) In adopting regulations pursuant to this section, the
22 department may include the existing relevant testing protocol
23 determined to ~~exit~~ *exist* pursuant to paragraph (1).

24 (c) The department may, upon considering the environmental
25 health information received pursuant to Section 25431, exempt a
26 manufacturer from providing the data required by this section, if
27 the manufacturer demonstrates that it is in compliance with the
28 regulations adopted pursuant to Section 25432, *as well as any*
29 *additional data requirements the department may adopt pursuant*
30 *to this section.*

31 (d) The department may revise the regulations adopted pursuant
32 to this section at its discretion as new information becomes
33 available.

34 (e) A manufacturer shall update the information required to be
35 provided by the regulations adopted pursuant to this section at any
36 time at which there becomes available new information regarding
37 a physical, chemical, or toxicological property of, or exposure to,
38 the chemical substance, including, but not limited to, any
39 information that shows a new potential toxic effect, corroborates
40 previous information showing or suggesting a toxic effect, or

1 suggests a toxic effect at a lower dose than previously demonstrated
2 in information submitted to the department.

3 25434. (a) On or before October 1, 2009, the department shall
4 establish a system for tracking the manufacture and use of high
5 production volume chemicals in the state to determine, at a
6 minimum, all of the following:

7 (1) The known uses of the chemical, including whether those
8 uses are, or are likely to, result in worker, consumer, community,
9 or environmental exposure to the chemical.

10 (2) Volume of the high production volume chemical that is sold,
11 manufactured, or imported into the state.

12 (3) Volume of the high production volume chemical that is sold,
13 manufactured, or imported into the state for each known use of
14 that chemical.

15 (b) The department may require a manufacturer to supply the
16 information required pursuant to subdivision (a).

17 25435. (a) The department shall give the office unrestricted
18 access to any information submitted to the department pursuant
19 to this chapter.

20 (b) The department may collaborate with the office in the
21 adoption of the regulations required pursuant to Sections 25432
22 and 25433.

23 25436. (a) The department shall establish a fee schedule
24 specifying the amount of the fees that shall be paid by a
25 manufacturer when submitting information to the department. The
26 fee amounts shall not exceed the department's reasonable costs of
27 implementing this chapter.

28 (b) A manufacturer required to submit information to the
29 department pursuant to this chapter shall accompany the submission
30 of the information with the fee required by the department pursuant
31 to this section.

32 (c) The department shall deposit all fees collected pursuant to
33 this section in an appropriate subaccount in the High Production
34 Volume Chemical Account, which is hereby created in the State
35 Treasury. The department may expend the fee revenues, upon
36 appropriation by the Legislature, to implement this chapter.

37 (d) The department and the office may borrow funds from the
38 ~~Treasurer~~ *Pooled Money Investment Account pursuant to Section*
39 *16313 of the Government Code* for the purposes of initiating the
40 administrative and regulatory requirements of this chapter, in an

1 amount to cover those costs, until fee revenues are collected
2 pursuant to this section.

3 25437. The Director of Toxic Substances Control may exempt,
4 from a requirement of this chapter, including allowing for a
5 decreased fee, any high volume production chemical for which
6 the manufacturer can demonstrate that only a de minimus amount
7 of that high volume production chemical is manufactured, sold,
8 used, released, supplied or distributed, or imported into the state.

9 25438. If a manufacturer is not in compliance with this chapter,
10 as determined by the department, with regards to a high production
11 volume chemical, the manufacturer may not take any of the
12 following actions:

13 (a) Manufacture that high production volume chemical within
14 the state.

15 (b) Import that high production volume into the state.

16 (c) Incorporate that high production volume chemical into an
17 article within the state.

18 (d) Use that high production volume in a commercial process
19 or application in the state.